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Electronic Frontier Foundation

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EHOSTAR SATELLITE LLC, et al.

Plaintiffs,

v.

FREETECH, INC and DOES 1-10,

Defendants.

Case No. 07-6124 (JW) (RS)

**DECLARATION OF FRED VON
LOHMANN IN SUPPORT OF MOTION
OF THE ELECTRONIC FRONTIER
FOUNDATION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF AND TO
SHORTEN TIME**

1 I, Fred von Lohmann, declare as follows:

2 1. I am a staff attorney with the Electronic Frontier Foundation (EFF), duly licensed to
3 practice law in the State of California.

4 2. Defendant Freetech, Inc. has consented to the filing of an *amicus curiae* brief by EFF in
5 support of Defendant Freetech's Motion for Protective Order.

6 3. On August 12, 2008, I contacted Mr. Chad Hagan, counsel for Plaintiffs, to inquire
7 whether Plaintiffs would consent to the filing the *amicus curiae* brief by EFF. On August 14,
8 2008, I was informed by Mr. Hagan that Plaintiffs would not consent to the filing of the brief.

9 4. Under Local Rule 7-2, motions must ordinarily be filed 35 days before the calendared
10 hearing. However, EFF's proposed *amicus* brief is submitted in support of a motion that was itself
11 filed exactly 35 days before it was calendared for hearing. In the interests of efficiency and judicial
12 economy, EFF respectfully moves the court to shorten the time in which it may file the proposed
13 *amicus curiae* brief so that it will be heard on September 15, 2008, along with the underlying
14 motion that it supports.

15
16 I declare under penalty of perjury under the laws of the State of California that each of the
17 above statements is true and correct. Executed August 15, 2008, in San Francisco, California.

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19 _____/s/

20 Fred von Lohmann
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